



City of NORFOLK

C: Dir., Department of Planning

To the Honorable Council
City of Norfolk, Virginia

March 27, 2012

From: Frank M. Duke, AICP, Planning Director

Subject: Zoning Text Amendment to amend Sections 2-3, 4-12.5, 8-6, and 13-6.12 of the *Zoning Ordinance of the City of Norfolk*, 1992, as amended

Reviewed: Anne Odell, AICP, Assistant City Manager

Ward/Superward: Citywide

Approved:

Marcus D. Jones, City Manager

Item Number:

PH-6

I. **Recommendation:** Approval

II. **Applicant:** City of Norfolk

III. **Description:**

This agenda item is a Text Amendment is to make minor technical changes and corrections to 4 sections of the *Zoning Ordinance* resulting from an annual comprehensive review.

IV. **Analysis**

- The *Zoning Ordinance* was originally adopted in 1992.
- The proposed amendments contain no significant policy issues or changes; rather they reflect a "clean up" of minor errors and emissions in the *Zoning Ordinance*.
 - Correcting typographical errors in definitions
 - Correcting language inadvertently deleted from the use tables
 - Correcting grammatical errors
 - Correcting errors
- The amendments also add or clarify terms in order to eliminate confusion in interpretation.

V. **Financial Impact**

N/A

VI. **Environmental**

N/A

VII. **Community Outreach/Notification**

- Legal notification was placed in *The Virginian-Pilot* on January 12 and 19.

- Notice was sent to the civic leagues by the Department of Communications on January 13.
- The Planning Commission held the required public hearing on January 26, 2012.
 - Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

By a vote of **5 to 0**, the Planning Commission recommended that the request for a Text Amendment be **approved** subject to the conditions outlined in the attached ordinance.

IX. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

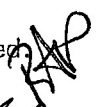
VIII. Coordination/Outreach

This request has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Ordinance

1/19/12 ts

Form and Correctness Approved: 

Contents Approved:

By 

Office of the City Attorney

NORFOLK, VIRGINIA

By 

DEPT.

ORDINANCE No. 44,593

PA-6 AN ORDINANCE TO AMEND AND REORDAIN CERTAIN SECTIONS OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, SO AS TO MAKE TYPOGRAPHICAL CORRECTIONS AND ADJUSTMENTS AND TO NORMALIZE THE REFERENCES MADE TO THE USES OF "HOTEL/MOTEL" AND "ART STUDIO" IN THE "TABLE OF PRINCIPAL USES FOR DOWNTOWN DISTRICTS."

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 2-3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Definitions," is hereby amended and reordained so as to clarify the reference provided in the definition of "Zoning lot." The text shall read as set forth in "Exhibit A," attached hereto.

Section 2:- That Section 4-12.5 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Maximum building height" is hereby amended and reordained so as to restore a maximum building height in the R-12 (Multiple-Family Residential) District which was inadvertently omitted by an Ordinance adopted on August 23, 2011 (Ord. No. 44,337). The text shall read as forth in "Exhibit B," attached hereto.

Section 3:- That Table 8-6 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Table of Principal Uses for Downtown Districts," is hereby amended and reordained so as to restore "Continuing Care Retirement Community" as a permitted use in the D-5 (Downtown Waterfront Mixed Use) District, which use had been permitted by Ordinance adopted October 28, 2003 (Ord. No. 41,203) and which was inadvertently omitted from a subsequent amendment adopted by Ordinance on February 17, 2004 (Ord. No. 41,318). The table shall read as forth in "Exhibit C," attached hereto.

Section 4:- That Section 13-6.12(a) of the Zoning

Ordinance of the City of Norfolk, 1992 (as amended),
containing regulations applicable to temporary family
health care structures, is hereby amended and reordained so
as to correct a typographical error. The text shall read
as forth in "Exhibit E," attached hereto.

Section 5:- That this ordinance shall be in effect
from the date of its adoption.

ATTACHMENTS:

Exhibit A (1 page)
Exhibit B (1 page)
Exhibit C (3 pages)
Exhibit D (1 page)

Adopted by Council March 27, 2012
Effective March 27, 2012

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK

Exhibit A

2-3 Definitions.

...

Zoning lot. See "LOT or ZONING LOT."

...

Exhibit B

4-12.5 *Maximum building height.* The maximum building height permitted for the following uses is as follows:

- (a) Lots less than 50 feet in width: Thirty-five (35) feet.
- (b) Lots at least 50 feet in width: Forty-five (45) feet; provided, however, that a feature which is not larger than twenty-five (25) percent of the square footage of the first floor of the residential structure may exceed the maximum height limit by ten (10) feet, provided that such feature is set back at least twenty (20) feet from the property lines.

Exhibit C

8-6 TABLE OF PRINCIPAL USES FOR DOWNTOWN DISTRICTS

| LEGEND P = Permitted Use S = Special Exception Use | PRINCIPAL USES, BY DISTRICT | | | | | |
|--|-----------------------------|-----|-----|-----|-----|-----|
| | DOWNTOWN DISTRICTS | | | | | |
| USE | D-1 | D-2 | D-3 | D-4 | D-5 | G-1 |
| <u>RESIDENTIAL</u> | | | | | | |
| Continuing Care Retirement Community | | | | | P | |
| Dwelling Unit, above ground floor in commercial buildings | P | P | P | P | P | P |
| Multiple Family | P | P | P | P | P | P |
| Townhouse | P | P | P | P | P | P |
| Bed and Breakfast | | | P | P | | |
| <u>OFFICE AND RELATED USES</u> | | | | | | |
| Adult Day Care Centers | | P | P | P | P | P |
| Child Day Care Centers | | S | S | S | S | S |
| Financial Institutions | P | P | P | P | P | P |
| Offices | P | P | P | P | P | P |
| <u>RETAIL SALES & SERVICES</u> | | | | | | |
| Automobile and Truck Rental | | | S | S | | S |
| Automobile Repair | | | | | | S |
| Commercial Drive-through | S | S | S | S | | S |
| Eating Establishments | P | P | P | P | P | P |
| Eating and Drinking Establishments | S | S | S | S | S | S |
| Entertainment Establishments | S | S | S | S | S | S |
| Establishment for the sale of alcoholic beverages for off-premises consumption | S | S | S | S | S | S |
| Health and Fitness Facility | P | P | P | P | P | P |
| Merchandise Display Rooms | | P | P | P | | |
| Retail Goods Establishments | P | P | P | P | P | P |
| Retail Services Establishments | P | P | P | P | P | P |
| Retail Goods Establishments (operating after | S | S | S | S | S | S |

| | | | | | | |
|--|---|---|---|---|---|---|
| midnight) | | | | | | |
| Retail Services Establishments (operating after midnight) | S | S | S | S | S | S |
| INSTITUTIONAL USES (Sites < 1 Acre) | | | | | | |
| Colleges and Universities | | P | P | P | | |
| Dental Offices/Clinics | | P | P | P | P | P |
| Medical Offices/Clinics | | P | P | P | P | P |
| Outreach Center | | | | S | | |
| Religious Institutions | P | P | P | P | | |
| Schools, K-12 | | P | P | P | | |
| Schools, professional and vocational | | P | P | P | | |
| RECREATION, CULTURAL & ENTERTAINMENT | | | | | | |
| Amphitheaters | S | | | | | |
| Arenas, Stadiums | P | | | P | | |
| Art Studio | P | P | P | P | P | P |
| Art Galleries | P | P | P | P | P | P |
| Commercial Indoor Recreation | | P | P | P | P | P |
| Commercial Outdoor Recreation | | | | S | | |
| Commercial Recreation Center | S | S | S | S | | |
| Libraries | | P | P | P | | |
| Membership Organizations | P | P | P | P | S | S |
| Motion Picture Theaters | P | P | P | P | | |
| Museums | P | P | P | P | P | P |
| Performance Arts | P | P | P | P | P | P |
| Playgrounds, Parks | P | P | P | P | | |
| MISCELLANEOUS | | | | | | |
| After Hours Membership Organizations | S | S | S | S | | |
| Communication tower/antenna (commercial and noncommercial) | S | S | S | S | S | S |
| Commercial Parking Garage, Lot or Deck | P | P | P | P | S | S |
| Contractor's office (no exterior storage) | P | P | P | P | P | P |
| Gas Stations | | | | S | | S |

| | | | | | | |
|--|---|---|---|---|---|---|
| Governmental buildings (excluding those of an industrial nature) | P | P | P | P | P | P |
| Hotels or Motel | P | P | P | P | P | P |
| Marinas, excluding boat repairs | S | | | | P | |
| Radio, TV Stations | P | P | P | P | P | P |
| Tattoo Parlor, Tattoo School | | | | S | | |
| Off Site Parking | | | | | S | S |
| Wholesale/Warehousing | | | | | | S |

Exhibit D

13-6.12 *Temporary family health care structures.*

- (a) A temporary family health care structure shall be permitted as an accessory structure on properties located in one-family residential zoning districts (R-1 through R-9). Any such structure shall comply with all of the following provisions at all times:
 - (1) No portion of the structure is located in any required yard;
 - (2) The structure is not placed on a permanent foundation;
 - (3) The structure is connected to the water, sewer, and electric utilities that serve the primary residence;
 - (4) The structure complies with all applicable regulations of the Virginia Department of Health;
 - (5) No signage advertizing or promoting the existence of the structure appears anywhere on the property;
 - (6) A physician licensed in Virginia has certified in writing that the person who occupies or intends to occupy the structure is mentally or physically impaired because he requires assistance with two (2) or more activities of daily living during more than half the year; and
 - (7) The caregiver for the mentally or physically impaired occupant of the structure is an adult related by blood, marriage, or adoption or is the legally appointed guardian of the occupant who resides on the same property where the structure is situate. . . .

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